



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

February 12, 2003

Dear School District and Charter School Superintendents, Operators, and Administrators:

Re: Implementation of Arizona English Language Immersion Laws

Under A.R.S. § 15-756.B, the Department of Education is required to develop guidelines for the monitoring of school districts and charter schools for the purposes of insuring compliance with all federal and state laws regarding English language learners. This letter will set forth those guidelines with respect to proper implementation of Arizona English language immersion laws. (A.R. S. §§ 15-751 to 15-756.)

The Department does not wish to disrupt any classes occurring this semester. These guidelines anticipate compliance for next semester, beginning August or September 2003, in order to give time for transition, and to prepare students and programs for compliance with these guidelines.

§ 15-752 provides as follows:

Subject to the exceptions provided in § 15-753, all children in Arizona public schools shall be taught English by being taught in English and all children shall be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year.

The crucial question here is: what constitutes valid exceptions, as specified in A.R.S. § 15-753?

Paragraph A of § 15-753 has certain requirements, each of which must be met, as follows:

1. There must be a written waiver by the child's parents or legal guardian.
2. It must be provided annually.
3. One waiver is not valid for more than one year.
4. The parents or legal guardian must personally visit the school to apply for the waiver.

5. When they visit the school, they must be provided a full description of the educational materials to be used, the different educational program choices, and the educational opportunities available to the child.

Paragraph B of § 15-753 sets forth three waivers that can be obtained.

1. "Children who already know English:" Waiver one provides as follows:

...the child already possesses good English language skills, as measured by oral evaluating or standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores approximately at or above the state average for his grade level or at or above the 5th grade average, whichever is lower;

The first term to be defined is "good English language skills, as measured by oral evaluation." Some districts have included, as showing "good English language skills" scores that are defined by the publishers as "limited English language skills." This is a violation of the plain language of statute "Limited English language skills" cannot be considered "good English language skills." A set of grades that would qualify as "good English language skills" is set forth on Exhibit A to this letter, which provides those scores for each of the relevant tests.

For grades K and 1, the scores shown on Exhibit A will be required for the waiver to apply. This is because "standardized tests of English vocabulary comprehension, reading, and writing" are not given in grades K and 1. For grades 2 and higher, the waiver can be given if (1) the grades shown Exhibit A are received, or alternatively, (2) if the child scores at or above the state average for his or her grade level in standardized tests of English vocabulary comprehension, reading, and writing. Performance at the 5th grade average is also sufficient.

2. "Older Children:" Waiver 2 requires "the informed belief of the school principal and educational staff that an alternative course of educational study would be better suited to the child's overall educational progress and rapid acquisition of basic English language skills." This requires an individual analysis of the needs of the specific student. This should be documented in a way that demonstrates that it was an analysis of the needs of the individual student, and not a form that was repeated for more than one student.

3. "Children with Special Individual Needs:" This waiver requires a written description of no less than 250 words (statutory requirement) documenting the special individual needs for the specific child, with the authorizing signatures of both the school principal and the local superintendent of schools. This statute requires that the child be placed for a period of not less than 30 calendar days during the school year in a English language classroom, and that the determination of the individual needs be subsequent to that.

It is not enough to enforce the law. This department wants to make sure that every school is serious about teaching students English as quickly as possible, so that they become fluent, and they can then soar academically as individuals. It is the new philosophy of this Department that its compliance function is secondary, and that its primary function is service to the schools. We want to do everything

we can to help the schools do the best possible job academically for the students. To this end, the Department will be sponsoring a seminar this spring on Best Practices for Academically Successful English Immersion, and hopes all relevant schools will participate.

Sincerely,

Tom Horne
Superintendent

Margaret Garcia-Dugan
Advisor to the Superintendent